IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1121 (S/S) of 2005

Rajendra Singh,
son of Sri Ghasi Singh,
presently working as Assistant Teacher,
Purva Madhyamik Vidyalaya,
Chyurigarh, Vikas Khand,
Okhalkanda, District – Nainital. **.....Petitioner.**

Versus.

1. Joint Director of Education, Nainital.
2. Basic Shiksha Adhikari, Udham Singh Nagar
3. Basic Shiksha Adhikari, Nainital.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Yadav, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Petitioner was initially appointed as Assistant Teacher in Primary School in district – Nainital prior to bifurcation of District – Nainital. In the year 1995, Nainital was bifurcated and district – Udham Singh Nagar was created. At the time of bifurcation, respondents invited options from the teachers to opt for working either at Nainital or Udham Singh Nagar. Petitioner has opted to work at district – Udham Singh Nagar.

However, when the list of Assistant Teachers, who were directed to serve in Udham Singh Nagar, was prepared the name of the petitioner did not find place in that list. Consequently, petitioner has filed Writ Petition No. 308 (SS)

Consequently, petitioner has filed Writ Petition No. 308 (SS) of 2005 and this court on 23.03.2005 disposed of the writ petition with a direction to Joint Director, Education, Kumaon Mandal, Nainital to decide the representation of the petitioner within a period of two weeks' from the date of passing of the order.

Learned counsel for the petitioner has submitted that in pursuance to the order dated 23.07.2005, representation of the petitioner has already been decided by the Joint Director of Education , Kumaon Mandal, Nainital. The Joint Director, Education, Kumaon Mandal, Nainital has passed order dated 19.05.2005 stating therein that petitioner has been relieved and petitioner can join his duties at Udham Singh Nagar after obtaining proper relieving order from Primary Vidyalaya, Chyurigarh, Okhalkanda, Nainital, Additional District Education Officer (Basic), Nainital.

Though order has already been passed by the Joint Director, of Education transferring the petitioner to Udham Singh Nagar, instead of approaching Additional District Education Officer (Basic), Nainital, the petitioner has approached this court with a prayer that respondents may be directed to relieve him. The petitioner may approach appropriate authority for his relieving to Udham Singh Nagar.

For the reasons recorded above, writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

August 9, 2005
SKSharma